

UNITED STATES DISTRICT COURT

for the

District of Minnesota

In re: Bair Hugger Forced Air Warming Devices
Products Liability Litigation

v.

Case No.: 0:15-md-02666-JNE-DTS

BILL OF COSTS

Judgment having been entered in the above entitled action on 09/03/2019 against Plaintiffs,
Date
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ _____
Fees for service of summons and subpoena	_____
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	<u>72,852.46</u>
Fees and disbursements for printing	_____
Fees for witnesses (<i>itemize on page two</i>)	<u>0.00</u>
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.	_____
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (<i>please itemize</i>)	_____
TOTAL	\$ <u>72,852.46</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other: _____

s/ Attorney: s/ Benjamin W. HulseName of Attorney: Benjamin W. HulseFor: 3M Company and Arizant Healthcare*Name of Claiming Party*Date: 09/03/2019

Taxation of Costs

Costs are taxed in the amount of _____ and included in the judgment.

By: _____

*Clerk of Court**Deputy Clerk**Date*

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
N/A							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
					TOTAL		\$0.00

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:
“Sec. 1924. Verification of bill of costs.”
“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:
“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions:
RULE 54(d)(1)
Costs Other than Attorneys’ Fees.
Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney’s fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day’s notice. On motion served within the next 7 days, the court may review the clerk’s action.

RULE 6
(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)
Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney’s fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.



UNITED STATES DISTRICT COURT District of Minnesota

Kate M. Fogarty, Clerk
Tricia Pepin, Chief Deputy Clerk

Warren E. Burger Federal
Building and U.S. Courthouse
316 North Robert Street
Suite 100
St. Paul, MN 55101
(651) 848-1100

U.S. Courthouse
300 South Fourth Street
Suite 202
Minneapolis, MN 55415
(612) 664-5000

Gerald W. Heaney Federal Building
and U.S. Courthouse and Customhouse
515 West First Street
Suite 417
Duluth, MN 55802
(218) 529-3500

Edward J. Devitt U.S. Courthouse
and Federal Building
118 South Mill Street
Suite 212
Fergus Falls, MN 56537
(218) 739-5758

Taxation of Costs

[Local Rule 54.3\(c\)](#) outlines the procedure for taxing costs in the District of Minnesota. Please review this rule carefully before submitting your bill of costs in this District.

The Clerk's Office is also pleased to provide a guide entitled "Bill of Costs Guide." This guide will assist with the proper filing of a Bill of Costs with this Court and is available on the Court's website at www.mnd.uscourts.gov.

General Procedure

A party seeking costs must file a verified bill of costs within 30 days of judgment using the approved form. LR 54.3(c)(1). The approved form is (AO) 133 Bill of Costs. Within 14 days of being served a bill of costs, a party may file objections to the bill of costs. LR 54.3(c)(2). If objections are filed, a party may file a response to the objections within 7 days. LR 54.3(c)(2). Local Rule 54.3(c)(4) outlines the procedure for filing a motion with the Court to review the Clerk's decision.

An appearance before the Clerk is not required. If the matter of costs is resolved prior to receiving the Clerk's decision on the bill of costs, the parties must file written notification with the Clerk.

Reference: FRCP 54(d); LR 54.3(c); 28 U.S.C. §§ 1920-1924.

For questions on taxation of costs, contact Tricia Pepin at 612-664-5129 or Michael Vicklund at 651-848-1106.